

WEDNESDAY, MAY 24, 1899.

The Senate met pursuant to adjournment.

The President in the chair.

The roll being called the following Senators answered to their names:

Mr. President,	Crill,	McLin,
Messrs. Baker,	Crosby,	Myers,
Barber,	Denham,	O'Brien,
Blitch,	Dinick,	Reeves,
Broome,	Fuller,	Roberts,
Bynum,	Harris,	Rogers,
Carson,	Hooker,	Sams,
Chaires,	McCaskill,	Wadsworth,
Clark,	McCreary,	Williams,

Answering roll-call—27.

A quorum present.

Prayer by the Chaplain.

On account of an accident in the office of the State printer the reading and correction of the Journal was deferred till the afternoon session.

INTRODUCTION OF BILLS.

By Mr. Reeves:

Senate Bill No. 258:

To be entitled an act to authorize the County Commissioners of the Counties of Holmes and Walton to levy taxes for the erection, maintenance and repair of bridges in said counties.

Which was read the first time by its title.

Mr. Reeves moved that the rules be waived and that Senate Bill No. 258 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 258 was read a second time by its title

Mr. Reeves moved that the rules be further waived and that Senate Bill No. 258 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 258 was read a third time in full.

Upon call of the roll on the passage of the bill.

The vote was:

Yeas—	Crill,	McLin,
Mr. President,	Crosby,	Myers,
Messrs.—	Denham,	O'Brien,
Baker,	Dimick,	Reeves,
Blitch,	Fuller,	Roberts,
Broome,	Hooker,	Sams,
Eynum,	McCaskill,	Wadsworth,
Clark,	McCreary,	Williams—22.

Nays—None.

So the bill passed, title as stated.

REPORTS OF COMMITTEES.

Mr. Broome, Chairman of the Committee on Railroads, submitted the following report:

Senate Chamber.
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Railroads, to whom was referred—

Senate Concurrent Resolution No. 22:

Resolved, by the Senate of the State of Florida, the House of Representatives concurring in the same:

1. That in the retirement of Mr. H. R. Duval from the active management of large interests in the State, Florida loses a citizen who has rendered conspicuous service to her people, who was one of the pioneers in her system of modern transportation, one of the fathers of the tobacco industry, which is already so large and is steadily growing in importance as a source of wealth and profit, who has loved and served her loyally when most she needed friends;

Therefore the representatives of Florida take pleasure in acknowledging these public services now, and in expressing the regret felt by all our people at the severing of those ties which have so long bound them to one of our most distinguished fellow-citizens, while assuring Colonel Duval that in the future, as in the past, he carries with him the warm admiration and devoted friendship of our people.

Have carefully examined the same and recommend that it do pass.

Very respectfully,

JAS. E. BROOME,
Chairman of Committee.

And Senate Concurrent Resolution No. 22, contained in the above report, was placed on the Calendar of Bills on second reading.

Mr. Broome, Chairman of the Committee on Railroads, submitted the following report:

Senate Chamber.

Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Railroads, to whom was referred—

Senate Bill No. 254:

A bill to be entitled an act to provide that common carriers shall designate and provide with certificates of authority agents authorized to sell tickets, and prohibit all others from selling tickets or evidences of transportation; to provide for the redemption of the whole or any unused part of a ticket or evidence of transportation, and prohibit the forging or counterfeiting or altering of any genuine ticket or other evidence of transportation, and to provide punishment for the violation of any of the sections herein contained.

Have carefully considered the same, and recommend its passage with the following amendments, to-wit:

Strike out the word "thirty" on 6th line of 4th page and insert in lieu thereof the following: "fifteen."

Strike out the word "fifty" on 10th line of 4th page, and insert in lieu thereof the following: "one hundred."

Strike out the words "one month" in 10th line of 4th page, and insert in lieu thereof the following: "sixty days."

Very respectfully,

JAS. E. BROOME,

Chairman of Committee.

And Senate Bill No. 254, contained in the above report, together with the committee amendments, was placed on the Calendar of Bills on second reading.

Mr. McLin, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 24, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Engrossed Bills to whom was referred—

Committee Substitute for—

Senate Bill No. 134:

A bill to be entitled an act to amend Section 2758, Laws of Florida, relating to the catching of shad during certain months.

Also,

Senate Bill No. 152 :

A bill to be entitled an act to provide for the incorporation of cities and towns in this State.

Also,

Senate Bill No. 181:

A bill to be entitled an act authorizing a regular constable to appoint a special constable in certain instances.

Also,

Senate Bill No. 206:

A bill to be entitled an act to establish a battalion of Naval militia to be known as the First Naval Battalion of the State of Florida.

Beg leave to report that we have carefully examined same and find them correctly engrossed.

Very respectfully,

B. E. McLIN,

Chairman of Committee.

Committee substitute for Senate Bills Nos. 134, 152, 181 and 206, contained in the above report, was placed on the Calendar of Bills on third reading.

Mr. Dimick, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,
Tallahassee, Fla., May 24th, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to amend Sections (35) thirty-five and (40) forty, Revised Statutes of the State of Florida, relating to the boundary line between St. Johns and Volusia Counties.

Also,

An act to protect log brands in this State.

Also,

An act to authorize the Southwestern Railroad Company to abandon its railroad, and to take up, remove and otherwise

dispose of its rails and other property, and to revoke the unsatisfied land grants to the Green Cove Springs and Melrose Railroad Company, and the Western Railway Company of Florida.

Also,

An act for the relief of Minnie E. Kehoe, for services as stenographer in Circuit Court, Jackson County.

Also,

An act to extend the time for the commencement of the work on the Etoniah Canal and Drainage Company.

Also,

An act to prescribe the term of office for Commissioners of Deeds, and to provide a time when the commissions of Commissioners of Deeds heretofore appointed shall expire, and to declare valid the acts of Commissioners of Deeds when commissions are more than four years since issued.

Beg leave to report that the same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, is presented to the Senate for signatures of the President and Secretary thereof.

Very Respectfully,

E. N. DIMICK,

Chairman of Committee

ENROLLED.

The President announced that he was about to sign—

An act to amend Sections (35) thirty-five and (40) forty, Revised Statutes of the State of Florida, relating to the boundary line between St. Johns and Volusia Counties.

Also,

An act to protect log brands in this State.

Also,

An act to authorize the Southwestern Railroad Company to abandon its railroad, and to take up, remove and otherwise dispose of its rails and other property, and to revoke the unsatisfied land grants to the Green Cove Springs and Melrose Railroad Company, and the Western Railway Company of Florida.

Also,

An act for the relief of Minnie E. Kehoe, for services as stenographer in Circuit Court, Jackson County.

Also,

An act to extend the time for the commencement of the work on the Etoniah Canal and Drainage Company.

Also,

An act to prescribe the term of office for Commissioners of Deeds, and to provide a time when the commissions of Commissioners of Deeds heretofore appointed shall expire, and to declare valid the acts of Commissioners of Deeds when commissions are more than four years since issued.

Very respectfully,

E. N. DIMICK,

Chairman of Committee.

The acts were therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

Mr. Dimick, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber.

Tallahassee, Fla., May 24th, 1898.

Hon. Frank Adams,

President of the Senate:

Sir—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to amend Sections (35) thirty-five and (40) forty, Revised Statutes of the State of Florida, relating to the boundary line between St. Johns and Volusia Counties.

Also,

An act to protect log brands in this State.

Also,

An act to authorize the Southwestern Railroad Company to abandon its railroad, and to take up, remove and otherwise dispose of its rails and other property, and to revoke the unsatisfied land grants to the Green Cove Springs and Melrose Railroad Company, and the Western Railway Company of Florida.

Also,

An act for the relief of Minnie E. Kehoe, for services as stenographer in Circuit Court, Jackson County.

Also,

An act to extend the time for the commencement of the work on the Etoniah Canal and Drainage Company.

Also,

An act to prescribe the term of office for Commissioners of Deeds, and to provide a time when the commissions of Commissioners of Deeds heretofore appointed shall expire, and to

declare valid the acts of Commissioners of Deeds when commissions are more than four years since issued.

Beg to report that the same have been delivered to the Governor for his approval.

Very respectfully,

E. N. DIMICK,

Chairman of Committee.

Mr. Dimick, Chairman of the Committee on Enrolled Bills, submitted the following report:

Senate Chamber.

Tallahassee, Fla., May 24th, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Enrolled Bills, to whom was referred—

An act to repeal Chapter 4217 of the Laws of Florida, entitled an Act to organize and establish a County Court in and for Alachua County, and to provide for the appointment of a prosecuting attorney for said County Court, approved May 24th, A. D. 1893,

Also,

An act to enlarge the corporate powers of the city of St. Augustine in the State of Florida,

Also,

An act to amend Sections 2, 40 and 41, of an act to abolish the present municipal government of the town of Madison, Florida, and to provide a town government therefor, being Chapter 4313, approved June 2nd, 1893, to abolish the office of Trustee of Waterworks bonds, and to grant additional powers to said municipality,

Also,

An act to repeal Chapter 4217, of the Laws of Florida, entitled an Act to organize and establish a County Court in and for Alachua County, and to provide for the appointment of a prosecuting attorney for said county, approved May 24th, A. D., 1893,

Also,

An act for the relief of John R. Scott, ex-Treasurer of Suwannee County, Florida, and for the relief of his bondsmen.

Also,

An act to amend the city charter of the City of Tampa.

Beg leave to report that the same have been correctly enrolled.

Very respectfully,

E. N. DIMICK,

Chairman of Committee.

The acts contained in the above report, were ordered referred to the Joint Committee on Enrolled Bills.

Mr. Dimick, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber.

Tallahassee, Fla., May 24th, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Joint Committee on Enrolled Bills, to whom was referred—

An act to repeal Chapter 4217 of the Laws of Florida, entitled an Act to organize and establish a County Court in and for Alachua County, and to provide for the appointment of a prosecuting attorney for said County Court, approved May 24th, A. D. 1893,

Also,

An act to enlarge the corporate powers of the city of St. Augustine in the State of Florida,

Also,

An act to amend Sections 2, 40 and 41, of an act to abolish the present municipal government of the town of Madison, Florida, and to provide a town government therefor, being Chapter 4313, approved June 2nd, 1893, to abolish the office of Trustee of Waterworks bonds, and to grant additional powers to said municipality,

Also,

An act to repeal Chapter 4217, of the Laws of Florida, entitled an Act to organize and establish a County Court in and for Alachua County, and to provide for the appointment of a prosecuting attorney for said county, approved May 24th, A. D., 1893,

Also,

An act for the relief of John R. Scott, ex-Treasurer of Sumter County, Florida, and for the relief of his bondsmen.

Also,

An act to amend the city charter of the city of Tampa.

Beg leave to report that they have examined the same and find them correctly enrolled.

Very respectfully,

E. N. DIMICK.

Chairman of Committee.

Mr. Dimick, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber.

Tallahassee, Fla., May 24th, 1899.

Hon. Frank Adams,

President of the Senate:

Sir--Your Joint Committee on Enrolled Bills, to whom was referred--

An act to repeal Chapter 4217 of the Laws of Florida, entitled an Act to organize and establish a County Court in and for Alachua County, and to provide for the appointment of a prosecuting attorney for said County Court, approved May 24th, A. D. 1893,

Also,

An act to enlarge the corporate powers of the city of St. Augustine in the State of Florida,

Also,

An act to amend Sections 2, 40 and 41, of an act to abolish the present municipal government of the town of Madison, Florida, and to provide a town government therefor, being Chapter 4313, approved June 2nd, 1893, to abolish the office of Trustee of Waterworks bonds, and to grant additional powers to said municipality,

Also,

An act to repeal Chapter 4217, of the Laws of Florida entitled an Act to organize and establish a County Court in and for Alachua County, and to provide for the appointment of a prosecuting attorney for said county, approved May 24th, A. D., 1893,

Also,

An act for the relief of John R. Scott, ex-Treasurer of Suwannee County, Florida, and for the relief of his bondsmen.

Also,

An act to amend the city charter of the city of Tampa.

Beg to report that the same have been presented to the

House of Representatives for the signatures of the Speaker and Chief Clerk thereof.

Very respectfully,

F. N. DIMICK,

Chairman of Committee.

Mr. McLin, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 24, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Engrossed Bills, to whom was referred—

Senate Bill No. 166:

A bill to be entitled an act in relation to the survey and sale of certain lands in the State of Florida, and to dispose of the proceeds arising from the sale of such lands.

Also,

Senate Bill No. 186:

A bill to be entitled an act to authorize the issuance of county school bonds for certain purposes and providing for the guaranteeing of interest thereon by the State Board of Education, and the redemption and payment of such bonds.

I have examined the same and find them to be correctly engrossed.

Very respectfully,

B. E. McLIN,

Chairman of Committee.

And Senate Bills Nos. 166 and 186, contained in the above report, were placed on the Calendar of bills on third reading.

Mr. McLin, Chairman of the Committee on Engrossed Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 24th, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on Engrossed Bills to whom was referred—

Senate Bill No. 98:

A bill to be entitled an act to authorize suits to recover damage for deaths of minors, caused by negligence of corporations or private associations of persons, individuals or individual.

Also,

Senate Bill No. 242:

A bill to be entitled an act in relation to Boom Companies organized under the general corporation laws of this State.

Also,

Senate Bill No. 243:

A bill to be entitled an act in relation to injuries to booms and taking logs, lumber, timber and other floatables therefrom.

Also,

Senate Bill No. 249:

A bill to be entitled an act to legalize the marriage and offspring of persons of African descent.

Beg leave to report that they have carefully examined the same and find them correctly engrossed.

Very respectfully,

B. E. McLIN,

Chairman of Committee.

And Senate Bills Nos. 98, 242, 243 and 249, contained in the above report, were placed on the Calendar of Bills on third reading.

Mr. McLin asked to be excused on account of committee work.

Mr. McLin was excused.

ORDERS OF THE DAY.

The motion of Mr. Broome made yesterday that he would move to reconsider the vote by which Senate Bill No. 190 failed to pass, was taken up.

Mr. Broome moved that the vote by which House Bill No. 190 failed to pass be reconsidered.

Which was agreed to.

And,

House Bill No. 190:

To be entitled an act to amend Section 1, Chapter 4176, Laws of Florida, being an act to require persons running or operating log or timber carts on the public roads in this State to keep the portion of such roads used by them in repair.

Was again read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—

Mr. President,	Crill,	McCreary,
Messrs. Baker,	Crosby,	McLin,
Barber,	Denham,	Myers,
Blitch,	Dimick,	O'Brien,
Bynum,	Fuller,	Roberts,
Carson,	Harris,	Rogers,
Chaires,	Hooker,	Sams,
Clark,	McCaskill,	Wadsworth—24.

Nays—Mr. Reeves—1.

So the bill passed, title as stated.

Mr. Sams moved that the rules be waived and that the vote by which House Bill No. 47 passed yesterday be reconsidered.

Which was agreed to by a two-thirds vote.

Mr. Fuller moved that House Bill No. 47 be placed back on Calendar of bills on second reading for amendment.

Which was agreed to.

Mr. Fuller moved that House Bill No. 47 be laid on the table subject to call.

Which was agreed to.

The notice of Mr. Palmer of 11th, made yesterday, to reconsider the vote by which Senate Joint Resolution No. 151 failed to pass yesterday, was taken up.

Mr. Palmer of 11th moved that the vote by which Senate Joint Resolution No. 151 failed to pass be reconsidered.

The yeas and nays were demanded on the motion to reconsider.

Upon call of the roll,

The vote was:

Yeas—

Mr. President,	Carson,	Hendley,
Messrs. Baker,	Chaires,	McCaskill,
Barber,	Clark,	McCreary,
Blitch,	Crosby,	Palmer of 11th,
Broome,	Denham,	Roberts,
Bynum,	Fuller,	Williams—18.

Nays—Messrs—

Crill,	McLin,	Rogers,
Dimick,	Myers,	Sams,
Harris,	O'Brien,	Wadsworth—11.
Hooker,	Reeves,	

So the motion to reconsider was agreed to.

Mr. Palmer of 11th moved that—

Senate Joint Resolution No. 151:

A joint resolution proposing an amendment to Section 8, Article 5, of the Constitution of the State of Florida, relating to the election of Circuit Judges in this State.

Be made a special order for Friday next at 11:30 o'clock.

Which was agreed to.

Mr. Barber moved to adopt the report of the Special Committee to visit the convict camps,

Which report was read last Saturday.

Which was agreed to.

BILLS ON SECOND READING.

Senate Bill No. 229:

A bill to be entitled an act providing for abstracting records of titles to real estate, and compensation therefor.

Was taken up.

Mr. Fuller moved that Senate Bill No. 229 be laid on the table subject to call.

Which was agreed to.

House Joint Resolution No. 17:

Resolution authorizing the Governor to offer a reward for apprehension and conviction of certain felons.

Was taken up.

Mr. McCaskill moved that House Joint Resolution No. 17 be indefinitely postponed.

Which was agreed to.

A message was received from the House of Representatives.

Senate Bill No. 225:

A bill to be entitled an act to fix the responsibility of shippers or owners of goods, wares or merchandise represented by bills of lading or other evidence of shipment.

Was taken up and read a second time by its title.

The Committee substitute for Senate Bill No. 225, with the following title, was read in full:

A bill to be entitled an act to define the liability of collectors or holders of commercial papers attached to or transmitted with bill of lading or other evidence of shipment of goods, wares or merchandise.

Mr. Rogers moved that Committee substitute for Senate Bill No. 225 be adopted.

Which was agreed to.

And substitute for Senate Bill No. 225 was read a second time.

Mr. Rogers moved that Committee Substitute for Senate Bill No. 235 be placed on the Calendar of Bills on third reading without being engrossed.

Which was agreed to.

House Bill No. 189:

A bill to be entitled an act to incorporate the Most Worshipful Union Grand Lodge of the Most Ancient and Honorable Fraternity of Free and Accepted Masons, colored, of the State of Florida.

Was taken up and read a second time in full.

Mr. Hooker moved that House Bill No. 189 be indefinitely postponed.

Mr. Hooker withdrew the motion to indefinitely postpone.

And House Bill No. 189 was placed on the Calendar of bills on third reading.

Senate Bill No. 244:

A bill to be entitled an act providing for the disposition of estates when the heirs or legatees or their residences are unknown or there are contests between persons claiming to be heirs or legatees.

Was taken up and read a second time in full.

And Senate Bill No. 244 was ordered referred to Committee on Engrossed Bills.

Senate Bill No. 234:

A bill to be entitled an act to amend Section 2259, of the Revised Statutes of the State of Florida, relating to incorporation of associations not for profit.

Was taken up and read a second time by its title.

The Committee Substitute was then read a second time in full.

Mr. Rogers moved that Committee Substitute for Senate Bill No. 234 be adopted.

Which was agreed to.

Mr. Rogers moved that Committee Substitute for Senate Bill No. 234 be placed on the Calendar of bills on third reading without being engrossed.

Which was agreed to.

House Bill No. 321:

A bill to be entitled an act to provide for the payment of defendants' witnesses in criminal cases.

Was taken up and read a second time in full

And House Bill No. 321 was placed on the Calendar of bills on third reading.

Senate Bill No. 4:

A bill to be entitled an act in relation to appellate proceed- and practice in civil causes.

Was taken up, together with the amendments prepared by the Judiciary Committee.

Mr. Myers moved that the rules be waived and that Senate Bill No. 4 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 4 was read a second time by its title.

The following committee amendment was read:

1. At the end of Section 2 add: "The following may be the form of such memorandum:

Circuit Court ——— Judicial Circuit of Florida, in and for ——— County:

A. B., Plaintiff, vs. C. D., Defendant.

A. B., the plaintiff in this suit (or C. D., the defendant), alleges that in the record and proceedings, and also in the rendition of the judgment (or decree, or order), in this cause, manifest error hath happened to the great damage of the said A. B. (or C. D.), and the said A. B. (or C. D.) doth hereby give notice to the said C. D., the defendant (or A. B., the plaintiff), that he appeals his cause to the Supreme Court of the State of Florida, (or to the court to which the appeal may be taken), that the record and proceedings aforesaid being inspected by the Justices of said Supreme Court (or the Judges of such other court), they (or he) may cause to be done therein to correct that error what of right and according to law (or equity) ought to be done.

And the said A. B. (or C. D.) assigns the following grounds of error:

1. The court erred, etc.

2. The court erred, etc.

And so on, assigning all the grounds of error.

E. F.,

Plaintiff's (or Defendant's) Attorney.

Mr. Myers moved the adoption of the committee amendment.

Which was agreed to.

The following committee amendment was read:

2. In Section 4, line 3, after the word "record," insert the words "or of the Judge who rendered the judgment, order, or decree."

Mr. Myers moved the adoption of the committee amendment.

Which was agreed to.

The following committee amendment was read:

3. In Section 4, line 5, strike out the word, "thereof."

Mr. Myers moved the adoption of the Committee amendment.

Which was agreed to.

The following Committee amendment was read:

4. At the end of Section 4 add the following: "And where an appeal is taken from an order, or decree, in an equity suit, granting, or dissolving, an injunction, the Appellate Court, or the judge, granting the supersedeas, may prescribe such conditions with reference to the subject matter of the injunctive order, or decree, and the conduct and relations of the parties, pending the appeal, by bond, or otherwise, as they, or he, may consider proper for the security of the opposite party."

Mr. Myers moved the adoption of the Committee amendment.

Which was agreed to.

The following Committee amendment was read:

5. In Section 6, line 2, strike out the words, "it shall be the duty of," and in line 3 strike out the word "to," and insert "may."

Mr. Myers moved the adoption of the Committee amendment.

Which was agreed to.

The following Committee amendment was read:

6. Strike out all after Section 8 after the words, "error in the appellate court."

Mr. Myers moved the adoption of the Committee amendment.

Which was agreed to.

The following committee amendment was read:

7. In Section 13, line 3, after the words, "the same is pending," insert, "except as herein otherwise provided."

Mr. Myers moved the adoption of the Committee amendment.

Which was agreed to.

The following committee amendment was read.

8. In Section 18, line 4, after the word, "death," strike out "of," and insert "on."

Mr. Myers moved the adoption of the committee amendment.

Which was agreed to.

The following committee amendment was read:

9. Strike out Section 19, and insert in lieu thereof the following:

Sec. 19. In all cases taken to the Supreme Court under this act, it shall be the duty of the party prosecuting the proceeding in error to file with the clerk of the court whose judgment or decree is to be reviewed, at the time of the filing the memorandum provided for in Section 2 of this act, a written direction to such clerk, indicating the papers and proceedings that are to be copied and made a part of the transcript of the record to be used on appeal, always including the memorandum and statement of the grounds of error, and it shall be the duty of the opposite party to file with such clerk, within ten days from the service upon him of the memorandum provided for in Section 2, a written direction to such clerk, indicating such other papers and proceedings in the cause to be copied and made a part of the transcript of the record, as such party may deem material to a proper decision of the appeal, upon the grounds of error stated in the memorandum as intended to be argued. And it shall be the duty of such clerk to make up the transcript of the record according to such written directions. But if the memorandum is not served upon the opposite party, or, having been served, such party does not file with the clerk any written directions within ten days allowed therefor, such clerk shall make up the transcript for the record according to such written directions of the party prosecuting the proceeding in error. Such transcript shall be typewritten, or printed, and shall be certified by the clerk to be a correct transcript of such papers and proceedings in the cause as he has been instructed by the written directions of the parties to include in the transcript of the record of the judgment in the cause. But no clerk, or judge, shall be required to prepare a transcript unless his fees therefor are paid, or satisfactorily secured.

Mr. Myers moved the adoption of the committee amendment.

Which was agreed to.

The following committee amendment was read:

10. Strike out Section 20, and insert in lieu thereof the following:

Section 20. It shall be the duty of the party prosecuting

a proceeding in error under this act to file the transcript of the record, and two type-written, or printed copies thereof, each preserving the paging and order of the original, in the Appellate Court within sixty days from the filing of the memorandum, provided for in Section 2 of this act, unless the Appellate Court shall for good cause shown extend the time for filing such transcript and copies. And if it shall appear on the final hearing that copies of any papers or proceedings were caused to be included in said transcript that were not material to the determination of the appeal, the cost thereof may be taxed by the Appellate Court against the party causing them to be so included.

Mr. Myers moved the adoption of the committee amendment.

Which was agreed to.

The following committee amendment was read:

11. In Section 22 Strike out all after the words "Appellate Court," in line 4, down to the word "Provided" in line 6.

Strike out the words "in either case," in line 7.

Strike out the word "either" after the words "transcript on" in line 7, and insert in lieu thereof the words "the opposite."

Mr. Myers moved the adoption of the committee amendment.

Which was agreed to.

The following Committee amendment was read:

12. In Section 23 strike out all after the word "solicitor" in line 10.

Mr. Myers moved the adoption of the Committee amendment.

Which was agreed to.

The following Committee amendment was read:

13. In Section 26, line 2, after the words, "see fit," add "except in the statement of grounds of error."

Mr. Myers moved the adoption of the Committee amendment.

Which was agreed to.

The following Committee amendment was read:

14. Strike out Section 27, and insert in lieu thereof the following:

Section 27. In making up bills of exceptions only such brief statement of the proofs, or evidence, shall be included therein as is necessary to clearly show the propriety or impropriety of the ruling, decision, charge, or action of the court excepted to, unless an exception has been taken to the

granting or refusing to grant, a motion for a new trial, in which is assigned the ground that the verdict is contrary to the law and the evidence, or is unsupported by, or contrary to the evidence, then all the evidence and the charge of the court shall be included in the bill of exceptions.

But no separate evidentiary bill of exceptions, as now required by the rules of the Supreme Court shall be necessary in any case.

Mr. Myers moved the adoption of the Committee amendment.

Which was agreed to.

And Senate Bill No. 4, as amended, was ordered referred to the Committee on Engrossed Bills.

Mr. Hocker moved that the rules be waived and that messages from the House of Representatives be taken up.

Which was agreed to by a two-thirds vote.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read;

House of Representatives,
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 253:

A bill to be entitled an act to amend Section 10 of Chapter 4331, Laws of Florida, approved June 3, 1895, entitled "An act to amend Sections 5, 6, 7, 8, 9, 12, 16, 17 and 19 of Chapter 4192 of the Laws of Florida, the same being an act entitled an act to prescribe rules and regulations for licensing teachers, to provide for uniform examinations, to secure fairness in examinations and in issuing teachers' certificates and for other purposes."

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,
Chief Clerk House of Representatives.

And House Bill No. 253, contained in the above message, was read the first time and referred to the Committee on Education.

The following message from the House of Representatives was read:

House of Representatives.
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 26:

A bill to be entitled an act to provide for the division of counties into school districts and for the election bi-ennially of three school trustees and to prescribe their duties and powers and for levying, collecting and disbursing district school taxes.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,
Chief Clerk House of Representatives.

And House Bill No. 26, contained in the above message, was read the first time by its title and referred to the Committee on Education.

The following message from the House of Representatives was read:

House of Representatives.
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed:

House Bill No. 158:

To be entitled an act for the relief of Dr. Jas. S. Herron of Escambia.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,
Chief Clerk House of Representatives.

And House Bill No. 158, contained in the above message, was read the first time by its title and referred to the Committee on Claims.

The following message from the House of Representatives was read:

House of Representatives.
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate;

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 296:

To be entitled an act supplemental to an act entitled an act to establish the municipality of Jacksonville, provide for its government and prescribe its jurisdiction and powers, approved May 31, 1887, and to extend the powers of the Government of said municipality.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And House Bill No. 296, contained in the above message, was read the first time by its title.

Mr. Rogers moved that the rules be waived and that House Bill No. 296 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 296 was read a second time by its title.

And House Bill No. 296 was placed on Calendar of bills on third reading.

The following message from the House of Representatives was read:

House of Representatives.
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams;

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 282:

To be entitled an act to amend Section 212 of the Revised Statutes relating to the issuance of official commissions.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And House Bill No. 282, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 304:

To be entitled an act to legalize the incorporation of the town of Cocoa.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And House Bill No. 304, contained in the above message, was read the first time by its title and referred to the Committee on City and County Organizations.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 333:

To be entitled an act empowering the County Commissioners of Hernando County to contract for road work in the several districts

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,
Chief Clerk House of Representatives.

And House Bill No. 333, contained in the above message, was read the first time by its title and referred to the Committee on City and County Organization.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 350:

To be entitled an act to establish the municipality of Dune-don, to provide for its government and prescribe for its jurisdiction and powers.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,
Chief Clerk House of Representatives.

And House Bill No. 350, contained in the above message, was read the first time by its title.

Mr. Palmer of 11th moved that the rules be waived and that House Bill No. 350 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 350 was read a second time by its title only.

And House Bill No. 350 was placed on Calendar of bills on third reading.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to in-

form the Senate that the House of Representatives has passed—

Senate Bill No. 90:

A bill to be entitled an act to provide for keeping all public roads and streets in the limits of cities and towns having less than three thousand inhabitants in good repair.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And Senate Bill No. 90, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 5:

A bill to be entitled an act to amend Sections 26, 61 and 62 of the Laws of Florida, Chapter 4328, entitled an act to provide for the registration of all legally qualified voters in the several counties of the State, and to provide for the general and special elections and for the return of elections.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And Senate Bill No. 5, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir: I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 218:

To be entitled an act to abolish the municipality of the town of Altoona, in Lake County, Florida.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk House of Representatives.

And Senate Bill No. 218, contained in the above message, was referred to the Committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 90:

A bill to be entitled an act to provide for keeping all public roads and streets in the limits of cities and towns having less than three thousand inhabitants in good repair.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk House of Representatives.

And Senate Bill No. 90, contained in the above message, was referred to the committee on Enrolled Bills.

The following message from the House of Representatives was read:

House of Representatives.
Tallahassee, May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Bill No. 149:

A bill to be entitled an act to amend and revise an act entitled "An act to provide for the regulation of railroad schedules, freights, express, sleeping car and passenger tariffs, and building of freight and passenger depots in this State; to prevent unjust discrimination in the rates charged for the trans-

portation of passengers and freight, and to prohibit railroad companies, corporations, persons, and all common carriers in this State from charging other than just and reasonable rates, and to enforce the same and to prescribe a mode of procedure and rules of evidence in relation thereto, and to provide for the appointment and election of commissioners and to prescribe their duties and powers.

With the following amendments thereto, and respectfully requests the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

AMENDMENTS OFFERED BY THE HOUSE OF REPRESENTATIVES TO SENATE BILL NO. 149.

A bill to be entitled "an act to revise and amend an act entitled an act to provide for the regulation of railroad schedules, freights, express, sleeping car and passenger tariffs, and building of freight and passenger depots in this State; to prevent unjust discrimination in the rates charged for the transportation of passengers and freights, and to prohibit railroad companies, corporations, persons and all common carriers in this State from charging other than just and reasonable rates, and to enforce the same, and to prescribe a mode of procedure and rules of evidence in relation thereto, and to provide for the appointment and election of Commissioners and to prescribe their duties and powers," and to authorize said Commissioners to regulate, supervise and control the use and the charges for the use of and the admission to passenger terminals and union depots, and to vest said Commissioners with judicial powers.

Be it Enacted by the Legislature of the State of Florida;

That an act entitled "an act to provide for the regulation of railroad schedules, freights, express, sleeping car and passenger tariffs, and building of freight and passenger depots in this State, to prevent unjust discrimination in the rates charged for the transportation of passengers and freight and to prohibit railroad companies, corporations, persons and all common carriers in this State from charging other than just and reasonable rates, and to enforce the same, and to prescribe a mode of procedure and rules of evidence in relation thereto and to provide for the appointment and election of Commissioners and to prescribe their duties and powers," the same

being Chapter 49 of the Laws of Florida, be, and the same is hereby revised and amended so as to read as follows:

"An act to revise and amend an act entitled an act to provide for the regulation of railroad schedules, freights, express, sleeping car and passenger tariffs, and building of freight and passenger depots in this State; to prevent unjust discrimination in the rates charged for the transportation of passengers and freight, and to prohibit railroad companies, corporations, persons and all common carriers in this State from charging other than just and reasonable rates, and to enforce the same, and to prescribe a mode of procedure and rules of evidence in relation thereto, and to provide for the appointment and election of Commissioners and to prescribe their duties and powers" and to authorize said Commissioners to regulate, supervise and control the use and the charges for the use of and the admission to passenger terminals and union depots, and to vest said Commissioners with judicial powers.

Be it Enacted by the Legislature of the State of Florida:
Section I—

Also,

In Section 2, line 1, strike out the words "Secretary" and "or."

Also,

Amend Section 6 by adding to the end of said section the following:

"Said Commissioners shall have full power and authority to require any railroad, railroad company or common carrier to properly operate its railroad or transportation line and to furnish all the necessary facilities for the convenient and prompt handling, transportation and delivery of all freights offered along its line for transportation, and shall provide and prescribe all such rules and regulations as may be necessary to secure such operation and the furnishing of such facilities and the prompt handling, transportation and delivery of all freights offered, and shall have full power and authority to regulate, require and provide for prompt delivery and transfer by any such company or common carrier to any other such company or common carrier within this State of any and all freights consigned or offered for transportation from any point in Florida to any other point in Florida, whenever such transfer and delivery will afford a shorter or otherwise more available route of transportation than can be given by the company or common carrier first receiving the freight, and shall provide and prescribe and enforce observance of all such rules and regulations as to such prompt delivery and transfer as they may deem necessary to regulate, require and provide for the

delivery of such freight by the shortest or most available route; and no such company or common carrier shall charge more compensation for the transportation of freight or passengers over an unnecessarily long route than would be a just and reasonable charge for the transportation by the nearest available route, whether the nearest available route be over one railroad or line of transportation or over more than one."

Also,

In Section 6, line 44, after the word "cars," insert "refrigerator fruit boxes."

Also,

Strike out all of Section 7 after the word "commission" in line 19, and insert "and he may employ special counsel to assist him whenever he and the Commissioners may deem it necessary and at such compensation as he and the Commissioners may agree on."

Also,

Amend Section 8 by inserting after the word "schedule" in line 6 of printed bill the following—"certified by the Chairman of the Commissioners shall be admitted in evidence without necessity for other proof and."

Also,

Amend Section 12, after the word "Commissioners" in line 35, add the words "and Attorney General."

Also,

In line 37, of Section 12, after the "Commissioners" add the words "and the Attorney General."

Also,

Amend Section 13 by inserting between the words "Commissioners" in line 5 and "to" the following—"if requested by such injured person."

Also,

In line 7, Section 17, after the word "law" insert "in the Circuit Court."

Also,

Amend Section 17 by striking from lines 41 and 42 the words "Secretary and."

Also,

By striking from line 42 of said section the words "the latter" and insert in lieu thereof the word "them."

Also,

Amend section 21 by substituting the word "Assistant" for "Special" in line 3.

Also,

Amend Section 23 by adding after the word "appeals" in line 8 of said section the following—"except habeas corpus proceedings."

Also,

Amend Section 23 by substituting for the word "or" where it first occurs in line 20, the words "as to."

Also,

Substitute for Section 24 as follows:

Sec. 24. If any railroad company or other common carrier shall feel aggrieved by any freight or passenger rate, or any schedule of such rates, or with any rule or regulation prescribed at any time by the Commission, and shall intend not to put the same in operation or comply therewith, then it shall be the duty of such company or other common carrier to file with the Secretary of the Commission at its principal office a written statement, to be signed by its President, General Manager or other general officer, stating its refusal to comply, and such written refusal shall be so filed within five days after notice shall have been given by the Commissioners of the adoption of such rate, schedule, rule or regulation and its taking effect; and the Commissioners shall immediately thereupon, unless they see fit to change the rate, or abolish or modify the rule or regulation, in writing notify the Attorney General thereof, and request him to institute proceedings in the proper court to compel the observance of such rate, schedule, rule or regulation, and like action shall be taken by the Commissioners in case of any violation of any rate, schedule, rule or regulation by any railroad company or other common carrier. The Attorney General, on receiving any such request from the Commissioners, shall at once proceed to take proper proceeding in the Supreme or Circuit Court to enforce the observance of such rate, schedule, rule or regulation.

The writ of injunction shall lie and obtain in all cases of the violation of any freight and passenger rate, or of any schedule of freight or passenger rates, or of any schedule of either, or of any failure or refusal to conform to or enforce, or put and keep the same, or any or either in operation, by any railroad company or other common carrier, to prevent the violation of any such rate or schedule, and to compel any such railroad or common carrier to observe and put and keep in

operation the same, and in case any issue shall arise upon the trial of any suit wherein such an injunction may be applied for as shall entitle either of the parties to a jury to try the same, then it shall be the duty of the Judge upon the application for an injunction coming on to be heard, or being noticed for a hearing, to cause a sufficient number of jurors to be drawn from the jury box in his presence in the manner now prescribed by law, and to be subpoenaed to attend the hearing; provided, however, that any party desiring a jury hereunder shall file his demand for the same in writing at or before the hearing shall be entered upon, or shall be deemed to have waived a jury. Such jury shall be drawn and trial take place in the county where the cause is pending.

Also,

Amend by striking out Section 25 and insert therefor the following as Section 24—"That all laws and parts of laws in conflict with this Act are hereby repealed."

Also,

Add the following as Section 26:

Section 26—"This Act shall go into effect immediately upon its passage and approval by the Governor."

Also,

Add to title "and provide remedies for the enforcement of the provisions of this act."

Mr. Carson moved that Senate Bill No. 149, with the House amendments thereto be laid on table subject to call.

Which was agreed to.

By permission Mr. Reeves, Chairman of committee on the part of the Senate, appointed under Senate Concurrent Resolution No. 20, submitted the following report and accompanying bill:

Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate.

Sir:—Your committee, appointed pursuant to Senate Concurrent Resolution No. 20, adopted April 27, 1899, for the appointment of a committee to investigate and report the "extent of the water front of the City of Pensacola, the improvements thereon and the occupation thereof," and "such other facts as in the opinion of the committee might be necessary in order to assist the Legislature in determining whether any grant of the same or any part thereof should be made by it, and, if so, to what person or persons, corporation or muni-

pality;" and to prepare, if your committee thought it advisable, and present to the Legislature as a part of its report a bill embodying the legislation recommended, beg leave to report that on the afternoon of the day of the adoption of said resolution your committee proceeded to the City of Pensacola, arriving there at eleven o'clock, p. m., where for the succeeding two days they sat in almost continuous session for the purpose of hearing the views of the citizens of Pensacola who felt an interest in the proposed legislation.

Your committee found the claims to and occupancy of this property in a most chaotic state, as the product of many years of encroachment upon the bay by persons filling in and reclaiming the water-front lots and in many instances erecting very valuable improvements thereon. The committee believe that in the majority of the cases of those filling in and reclaiming lots, the persons making such reclamation acted under a bona fide belief in the validity of their claims, while others reclaimed and filled in lots either as open trespassers or under a pretended belief in the validity of some claim.

With the limited time of two days at their disposal, spent for the most part in hearing the views of divers interested parties wishing to be heard, the committee were unable to obtain any facts except such as could be gathered from the ordinary map of the city front already in the possession of the Judiciary Committee; and, in order to obtain the facts which your committee deemed necessary to a proper disposition of the question, they employed, on the recommendation of the best citizens of Pensacola, one Wm. F. Lee, an old practical surveyor of experience in the City of Pensacola, furnishing him a printed copy of Senate Bill No. 29, to prepare a map of the water front of said city as it now exists, said map to be made under the following directions, to-wit:

Delineate by definite lines the area subject to the provisions of Senate Bill No. 29.

Indicate by color or otherwise

- 1st. Lots entirely filled with earth or stone.
- 2nd. Lots partially filled with earth or stone.
- 3rd. Extent of lots filled above water with earth or stone showing the slightest fraction filled.
- 4th. Lots which would be confirmed under the provisions of the bill to the city as proprietary owner.
- 5th. Lots actually occupied.
- 6th. Lots upon which buildings are actually erected.
- 7th. Filled lots, the only possession of which is indicated by temporary enclosure.

8th. Unoccupied filled lots the possession of which is not indicated by any enclosure.

9th. All water-slips.

10th. All wharves, showing extent filled in with earth and projections on pilings.

11th. Width and length of all footways (not amounting to wharves) to fish or bath houses.

12th. Indicate by definite, irregular line twelve feet depth of water.

13th. All permanent or fixed booms, held in place by piling, their extent and area. These booms, like foot-ways, will be indicated by irregular lines over or upon the lots in such a manner as to show what lots they cover.

14th. Unfilled lots enclosed by earth or stone.

Your committee, not being surveyors, could not by a casual view of the premises determine the number of reclaimed lots unimproved, the number of reclaimed lots improved by buildings, the lots filled and partially filled, the area of such fillings or partial fillings; the number of lots partially filled as an accident to the filling in of the ends of streets for wharfage purposes, the number of lots crossed by unimportant, temporary footways and wharves, leading to fish or bath houses, etc., nor the number of lots which under a grant would be confirmed to individuals or to the city.

These were facts that the resolution, under which your committee were acting, seemed to call for. Those persons who came before your committee while in Pensacola were practically unanimous in the opinion that this Legislature should take some action toward confirming and quieting these claims; but, inasmuch as the opinions advanced as to the rule for confirming and quieting the claims were almost as numerous as the persons heard, the necessity for a thorough knowledge of the above facts was emphasized and most forcibly impressed upon the members of the committee. Opposition was offered to almost every theory advanced, and your committee was not in possession of sufficient facts to test the fairness of any proposition. It was with a view to securing such knowledge of these facts as would be satisfactory to the committee and the Legislature that Mr. Lee, under the directions above set forth, was employed to prepare a map, and awaiting the preparation of such map this report has been delayed. Not until last Friday was the map sent (followed by a bill for eighty-four dollars), and from the fact that the instructions given for its preparation were not followed it is practically worthless for the information which it was expected to give.

However, as a result of its labors the committee has arrived at the conclusion that justice and expediency require that the portion of the water front which has been improved and occupied be granted to the occupants, and that the remainder thereof be granted to the city of Pensacola, with a proper regard and due provision for commerce and navigation of the bay.

In accordance with this conclusion the committee herewith submit a bill for the purposes mentioned and recommend its passage. They are induced to believe that the holdings of individuals should be confirmed from these facts: That the occupied portions of the water front have for a number of years been for the most part regarded by the citizens of Pensacola and others as the subject of private ownership and sale, and as such have been bought and sold; that the title in persons to whom sales were made, had before such purchases been declared in several litigations by the Circuit Court of the United States for the Northern District of Florida and by the Circuit Court of the State of Florida for the First Judicial Circuit to be good; and that no decision adverse to the validity of such title had ever been made until that made by the Supreme Court of the State of Florida in the year 1894, before which time almost all the improvements now existing had been made; that the value of the said improved lots has been created by such occupancy and improvements, for the most part based upon a belief in the validity of the titles thus acquired; that such improvements will at the present time approximate, if not exceed, half a million dollars in value; that upon much of the property so improved taxes have been paid to the city, county and State for long periods, exceeding in some instances, as your committee are informed, twenty-five years; that the State itself has never added any value to the said property, and without such improvements the lots would have been of nominal value to the State; that the State has for years been the beneficiary of assessments upon the enhanced value caused by these improvements; that it has been the policy of the State as shown in its legislation to grant to individuals the land under waters in front of its shores; that these lots have been dealt with as if the subject of private property, and that as against an individual the Statute of Limitations in many, if not most, instances would long since have vested title in the occupiers.

The reasons which induce the committee to recommend the grant to the City of Pensacola, are, that the situation of the property is such that it will be gradually needed to be used for warehouses, wharves and other structures necessary for the commerce of a rapidly growing city; that to meet such

needs it must be sold, or it will be unlawfully appropriated by private persons; that the State has no machinery by which it could be advantageously sold or by which its rights can be properly protected from trespass; that such machinery would be continuous and expensive; that it can be supplied by the city with but little expense; that the city must from necessity in part, at least, police this space, and prevent the destruction of the harbor by the depositing of ballast, etc., in it, and thus perform in part a duty due by the State to the public, sustaining a burden without compensating revenue provided; that the State has never reserved to itself line spaces under water and would not now do so if the space were not of value; that such value as it now has has been given to it by its contiguity to the City of Pensacola and by the enterprise and capital of its citizens and not by any act done by the State; that the purpose of the grant to the city is to render it at least in part able to pay off a bonded debt contracted by the city in aid of the Alabama and Florida Railroad which has both directly and indirectly built up West Florida, and thus benefited a considerable number of the citizens of the State outside of the City of Pensacola.

Respectfully submitted,

LUCIUS J. REEVES,

On the part of the Senate.

J. W. WATSON,

W. J. WILSON,

On the part of the House.

A bill to be entitled "An Act to Grant the Water Front of the City of Pensacola."

Be it Enacted by the Legislature of the State of Florida:

Whereas, The title to the Water Front of the City of Pensacola has been in litigation for more than thirty years, but has finally been settled by the decisions of the Supreme Court of the State of Florida, and the Supreme Court of the United States; and

Whereas, During the pendency of the said litigation, many persons have in good faith built upon and improved or occupied portions of the said Water Front, and should not be divested thereof; and

Whereas, The State of Florida is the owner of all of the said Water Front; and

Whereas, The City of Pensacola and not the State of Florida is the natural, and should be the legal, owner of all of said property, which justice does not require to be otherwise appropriated.

Now, for the purpose of quieting the title of all persons in

whom it should be quieted and of granting the remainder of the said property,

Be it enacted by the Legislature of the State of Florida:

Section 1. The object of this act is to dispose of all the land in front of the City of Pensacola embraced within the limits of the map of said Water Front adopted by the Provisional Municipality of Pensacola by Section 1, Article 1, Chapter 8, of the Code of Ordinances of said city, adopted in the year 1889, and the grants herein made are of the streets and lots as laid down on said map.

Sec. 2. The State of Florida hereby grants, except as is in this act otherwise provided, to the City of Pensacola, the space west of Alcaniz street, and east of Barcelona street, and south of Hickory street, and the spaces included in said map to the east of Alcaniz street, and to the west of Barcelona street covered by water exceeding at this time twelve feet in depth, such spaces to be held by the city in perpetual trust for the public, and to remain forever open to navigation and free access to the streets and wharves on the streets running north and south, and to such other streets as the city may by ordinance lay out in any direction over any part of the space covered by this act, from the intersection of any now existing street with the shore line, to the southern limit of such space. The city may, however, grant permission to the owner of any wharf in said space, to erect and maintain alongside of such wharf, warehouses, elevators, or other structures in aid of commerce.

Sec. 3. The State of Florida hereby grants to the City of Pensacola, the title to the soil and any water thereon, embraced in the streets as delineated upon said map other than in the space granted in trust in Section 2. The said city may make arrangements with any person now occupying any portion of said streets, for the further temporary occupancy of such portions. The State also hereby confirms and grants to the persons or corporations in possession of them, such wharves extending from the shore line and the spaces upon which they are constructed, as have heretofore been constructed, and are now used and maintained, and any rights heretofore conferred as appurtenant thereto by the State of Florida or the City of Pensacola, or by both, and nothing in this act contained shall be construed as affecting such spaces or appurtenances.

Sec. 4. The State of Florida hereby grants in fee simple the improved lots in the space mentioned in Section 1 to such persons as prior to January 1, 1898, have, by themselves, or those under whom they hold, improved the same. A lot shall be considered as improved so as to come within this section,

if there has been erected thereon and still remains thereon, a building or wharf, or if it has been artificially filled up above high water mark with earth or stone, or if it has been enclosed on three sides with solid structures of earth or stone, and the space, or the part claimed within the enclosure occupied by the claimant, or those under whom he holds. If one-half the area of any lot has been improved, the grant hereby made shall extend to the whole of the lot. However, the filling of a portion of a lot as the result only of the filling of a wharf adjacent thereto by the wharf owner not claiming such lot under written color of title, shall not entitle such wharf owner to such lot, or any part thereof. No lots covered wholly or partly by wharves or piers, except such as are built at the foot and as an extension of streets shall be considered as improved in the meaning of this section; Provided further, That no lots covered partly by wharves or piers contiguous to wharves built on the extension of streets shall be considered as improved in the meaning of this section. No other lots than those circumstanced as above shall be considered as improved.

Sec. 5. E. D. Beggs, F. C. Brent and Boykin Jones are hereby appointed commissioners for the purpose of ascertaining and declaring the rights of those to whom rights are granted by this act. In case of the refusal to act, death, resignation, or other inability of the said commissioners, or either of them, the vacancy shall be filled by appointment by the Governor. Two-thirds of the said commission shall decide all questions. The compensation of the said commissioners shall be \$5.00 per day each, during the days upon which they are actually employed. They shall keep a record of all claims considered by them, together with the time given to the consideration of each claim, and shall apportion the compensation for each day among the several claims considered upon that day, such apportionment to be according to the time occupied in the consideration of each claim. The compensation thus assessed against each claimant shall be paid to the said commissioners before they shall deliver a deed to such claimant as hereinafter provided. They may charge in addition, \$5.00 for each deed, but shall, if required, include in one deed all the property confirmed to the claimant.

Sec. 6. The said commissioners shall have the power to summon witnesses, to swear them, hear testimony and receive evidence and finally determine the rights of persons (including the City of Pensacola) to whom grants are herein made, and such determination shall be conclusive as to such rights. Upon such determination they shall jointly execute a deed

for the lots or portions of lots to all persons whom they shall find to be entitled under the provisions of this act, and such deed shall convey in fee simple all the rights of the State to the lot or lots therein mentioned, and shall authorize the exclusive appropriation of such property to private uses by the grantee or his assigns; provided, that whenever any property granted under this act is in litigation between parties, then, any deed made hereunder shall be without prejudice to the rights, under this act, of the party who may be adjudicated to be entitled to possession.

Sec. 7. In making such adjudication and deed, the commissioners shall not regard any claims of riparian rights, or other rights not covered by this act, and shall make deeds as if no such rights could arise, but such determination and deeds shall, in no wise, be regarded as affecting any such actually existing rights.

Sec. 8. The said commissioners shall not determine the effect of this act upon any lot except upon the application of some person claiming the same under the provisions of this act. Such application shall contain the number of the lot, or lots claimed, the number of block or blocks in which it or they are embraced, and a brief statement of whether the claimant claims by reason of the erection of buildings or wharves, or by reason of filling in or enclosures and occupation as aforesaid. Upon the filing of such application, the commissioners shall advertise in a newspaper in the City of Pensacola once each week for four weeks, a notice of such claim. Such notice shall contain the names of all the applicants and the property claimed by them, which shall not have theretofore been published; and the cost of such notice shall be pro-rated among such applicants in proportion to the space occupied in such advertisement. Such notice shall be in the following form:

"Notice is hereby given that the following named persons claim the following described lots in the Water Front of the City of Pensacola, under the act of the Legislature of Florida, approved 1899, to-wit:

"A. B., lot 10, block 40.

"C. D., lots 1 to 20, block 80, etc., etc.

"Investigation of such claims will begin on day of

.....

 "Commissioners."

Before the claim of any applicant shall be included in such notice, such applicant shall pay his pro rata thereof; and no claim shall be considered until after such publication. A conflicting claim to a lot may be filed at any time before the time fixed in such notice for the beginning of the investigation of the claims already filed to such lot, and all claimants of the same lot shall be allowed to offer evidence and proof of their claim and disproof of conflicting claims. No claim to a lot to which the Commissioners have already given a deed shall be considered.

Sec. 9. No application shall be filed after two years from the approval of this act. Upon the expiration of the said two years, the Commissioners shall, as soon as possible, determine all unadjudicated applications, give to the persons entitled deeds thereto, and after satisfying the requirements of Section 3 of this act, make a deed to the City of Pensacola for all lots and portions of lots for which no application shall have been filed, (except the key lots now covered wholly or partly by water between Palafox Street Wharf and Baylen Street Wharf south of Magnolia Street, which, except to the extent of actual occupation, are reserved from the grants of this act); and for all lots and portions of lots adjudicated to applicants, but for which they shall have received no deed because of their refusal or neglect to pay the Commissioners' fees. Upon receipt of said deed, the City of Pensacola shall pay to the Commissioners the fees ascertained as aforesaid for adjudicating each lot contained in the deed to it. Such deed shall convey in fee simple all the rights of the State therein mentioned, and shall authorize the exclusive appropriation of such property to the use of the said city or to its assigns. The said city shall appropriate the proceeds of all sales of such property after paying the expenses of the sales, to the payment of its present bonded indebtedness, and after the same shall have been paid, to such municipal improvements as the City Council may determine.

Sec. 10. The Commissioners herein provided for shall have power to employ a clerk at a compensation of not exceeding \$2.50 per day for the days actually employed, and to employ a surveyor when actually necessary, the compensation for each piece of work to be agreed upon by him and the Commissioners. The service of both shall be paid for by the persons to whom property may be granted, in the manner and proportions in which the Commissioners are paid.

Sec. 11. The said Commissioners shall keep a record showing each deed made by them, the date thereof, the name of the grantee, and the property therein conveyed; and shall, upon

completion of their labors prescribed by this act, sign and certify the same, and deposit it in the office of the Clerk of the Circuit Court of Escambia county.

Sec. 12. The said Commissioners shall require from each claimant a deposit, at the time of filing his claim, of one dollar (\$1.00) for each lot claimed by him, which shall be retained by them until their duties under this act shall have been otherwise concluded, and shall then be applied to the payment of the expenses of the legislative committee appointed under joint concurrent resolution of the Senate and House, adopted April 27, 1899, such expenses to be certified to the Commission by the Comptroller. The Commission shall divide the balance, if any after the payment of such expenses, among the claimants pro rata, according to the amount deposited by each.

The Senate resumed consideration of bills on second reading.

Senate Bill No. 256:

A bill to be entitled an act to amend Section 4 of Chapter 4298 of the Laws of Florida, being an act to establish a municipal government for the town of Plant City, Florida.

Mr. Palmer of the 11th, moved that the rules be waived and that Senate Bill No. 256 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 256 was read a second time by its title.

Mr. Palmer of the 11th, moved that Senate Bill No. 256 be placed on the Calendar of bills on third reading without being engrossed.

Which was agreed to.

Mr. Fuller moved that he be allowed to take up Senate Bill No. 212 now on table subject to call.

Which was agreed to.

Senate Bill No. 212:

A bill to be entitled an act to provide for certain inspections of rosin and turpentine, and for the appointment of inspectors therefor.

Was taken up.

Mr. Myers moved that Senate Bill No. 212 be made a special order for 4 o'clock this afternoon.

Which was agreed to.

BILLS ON THIRD READING.

Mr. Chaires moved that House Bill No. 274 be taken up out of its regular order and considered.

Which was agreed to.

And

House Bill No. 274:

To be entitled an act prescribing the method of obtaining permits to sell liquors, wines or beer.

Was taken up and read a third time in full, together with the Senate amendments.

Upon call of the roll on the passage of the bill, as amended,

The vote was:

Yeas—	Clark,	McCreary,
Mr. President.	Denham,	Palmer of 11th,
Messrs—	Dimick,	Roberts,
Baker,	Fuller,	Rogers,
Broome,	Harris,	Wadsworth,
Bynum,	Hendley,	Williams—21.
Carson,	Hooker,	
Chaires,	McCaskill,	
Nays—	Blitch,	McLin,
Messrs—	Crill,	Sams—6,
Barber.	Crosby,	

So the bill passed, title as stated.

Mr. Reeves stated that he was paired with Mr. Gaillard on this bill; that if Mr. Gaillard were present he would vote aye and he (Mr. Reeves) would vote No.

Mr. O'Brien stated that he was paired on this bill with Mr. Wilson; if Mr. Wilson were present, he would vote No, and he (Mr. O'Brien) would vote Aye.

Mr. Harris moved that the vote by which House Bill No. 274 was passed be reconsidered.

Mr. Broome moved to lay the motion on the table.

Which was agreed to.

Mr. Chaires moved that the rules be waived and all bills passed this morning by the Senate be immediately certified to the House of Representatives.

Which was agreed to by a two-thirds vote, and the bills were so certified.

Senate Bill No. 154:

A bill to be entitled an act to prevent persons from wearing badges, emblems or devices of secret organizations of which they are not members.

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—	Chaires.	McLin.
Mr. President.	Clark,	O'Brien,

Messrs—	Denham,	Sams,
Baker,	Harris,	Williams—12.
Barber,	McCreary,	
Nays—	Carson,	Hooker,
Messrs—	Crill,	McCaskill
Blitch,	Crosby,	Roberts—9.
Bynum,	Fuller,	

So the bill passed, title as stated.

House Joint Resolution No. 6:

Joint Resolution relating to the election of United States Senators by the people.

Was taken up and read the third time in full.

Upon call of the roll on the passage of House Joint Resolution No. 6 the vote was:

Yeas—	Clark,	McCreary,
Mr. President,	Crill,	McLin,
Messrs. Baker,	Crosby,	O'Brien,
Barber,	Denham,	Roberts,
Blitch,	Fuller,	Sams,
Bynum,	Harris,	Williams—21.
Chaires,	Hooker,	
Carson,	McCaskill,	

Nays—None.

So House Joint Resolution No. 6 passed title as stated.

House Bill No. 196:

To be entitled an act to prevent persons beating their way on railroad trains in this State.

Was taken up and read a third time in full, together with the Senate amendment.

Upon call of the roll on the passage of the bill, as amended, the vote was:

Yeas—		
Mr. President,	Chaires,	McLin,
Messrs. Baker,	Denham,	O'Brien,
Blitch,	Fuller,	Roberts,
Broome,	Harris,	Sams—12.

Nays—

Messrs.—	Crill,	McCaskill,
Barber,	Crosby,	Williams—9.
Bynum,	Dinnick,	
Clark,	Hooker,	

So the bill passed, title as stated.

House Bill No. 246:

To be entitled an act to extend the time for commencing the

work of construction of the DeSoto, Lee and Gulf Railroad Company, Chapter 4467, No. 146, Laws of Florida, approved May 30, 1895.

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—

Mr. President,	Clark,	Hooker,
Messrs.—	Crill,	McCaskill,
Baker,	Crosby,	McCreary,
Barber,	Denham,	McLin,
Blitch,	Dimick,	O'Brien,
Broome,	Fuller,	Roberts,
Bynum,	Harris,	Sams,
Chaires,	Hendley,	Williams—23.

Nays—None.

So the bill passed, title as stated.

House Bill No. 201:

To be entitled an act to prevent unauthorized persons from answering or otherwise interfering with signals connected with railroads or trains.

Was taken up and read a third time in full.

Upon call of the roll,

The vote was:

Yeas—

Mr. President,	Bynum,	McCreary,
Messrs.—	Clark,	McLin,
Baker,	Crill,	O'Brien,
Barber,	Crosby,	Roberts,
Blitch,	Denham,	Sams,
Broome,	Hendley,	Williams—18.
	McCaskill	

Nays—None.

So the bill passed, title as stated.

House Bill No. 200:

To be entitled an act to prevent unauthorized persons from giving signals to railroad trains and engineers.

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—

Mr. President,	Bynum,	McCaskill,
Messrs.—	Clark,	McCreary,
Baker,	Crill,	McLin,
Barber,	Denham,	O'Brien

Blitch,	Fuller,	Roberts,
Broome,	Hendley,	Williams—17.

Nays—None.

So the bill passed, title as stated.

House Bill No. 185:

To be entitled an act for the better protection of passengers on railway trains in the State of Florida.

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—

Mr. President,	Fvnum,	McCreary,
Messrs—	Clark,	McLin,
Baker,	Fuller,	O'Brien,
Barber,	Hendley,	Roberts,
Blitch,	Hooker,	Sams,
Broome,	McCaskill,	Williams—17.

Nays—None.

So the bill passed, title as stated.

House Bill No. 148:

A bill to be entitled an act to regulate the widow's dower in the homestead.

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—

Messrs. Baker,	Crill,	Palmer of 11th,
Barber,	Crosby,	Roberts,
Blitch,	Denham,	Sams,
Bynum,	Hooker,	Williams—14.
Clark.	McLin,	

Nays—

Messrs.—	McCaskill—3.
----------	--------------

Mr. President,	Hendley,
----------------	----------

So the bill passed, title as stated.

Mr. Broome was excused from voting.

House Bill No. 229:

To be entitled an act making judgments and decrees of the Circuit Courts of this State, and certified copies thereof, admissible as prima facie evidence of the entry and validity of such judgments and decrees.

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill.

The vote was:

Yeas—

Mr President.	Clark,	Hooker,
Messrs.—	Crill,	McCaskill,
Baker,	Denham,	McLin,
Barber,	Dimick,	Palmer of 11th,
Blich,	Fuller,	Roberts,
Bynum,	Hendley,	Williams—17.

Nays—None.

So the bill passed, title as stated.

Mr. Barber moved that the rules be waived and messages from the House of Representatives be taken up.

Which was agreed to by a two-thirds vote.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 165:

To be entitled an act to continue the powers and grants of the Atlantic & Gulf Railway Company.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,
Chief Clerk House of Representatives.

And House Bill No. 165, contained in the above message, was read the first time by its title.

Mr. Hooker moved that the rules be waived and that House Bill No. 165 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 165 was read a second time by its title.

Mr. Hooker moved that the rules be further waived and

that House Bill No. 165 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 165 was read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—

Mr. President,	Crill,	McLin,
Messrs—	Deuham.,	Panner of 11th,
Baker,	Dimick,	Roberts,
Barber,	Fuller.	Sains,
Blitch,	Hooker.	Williams--18.
Broome,	McCaskill	
Clark,	McCreary,	

Nays—None.

So the bill passed, title as stated..

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Joint Resolution No. 22:

Authorizing the destruction, by burning, of engraved Comptrollers' warrants known as greenback scrip, now held by the State Treasurer.

Be it resolved, by the Legislature of the State of Florida:

That the joint committee on the part of the Senate and the House of Representatives, appointed to examine the offices of the Comptroller and Treasurer, be and are hereby authorized and empowered to destroy, by burning, all the engraved Comptroller's warrants, known as greenback scrip, that are now in the office of the State Treasurer.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And House Joint Resolution No. 22 ,contained in the

above message was read the first time by its title and referred to the Committee on Finance and Taxation.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 391:

To be entitled an act to repeal Chapter 4506, Act of A. D. 1895, Laws of Florida, and to confirm amendment and supplement the municipal corporation of the town of Green Cove Springs, Fla., and to give it certain powers and privileges.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And House Bill No. 391, contained in the above message, was read the first time by its title.

Mr. Palmer of 11th moved that the rules be waived and that House Bill No. 391 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 391 was read a second time by its title.

Mr. Barber moved that the rules be further waived and that House Bill No. 391 be read a third time and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 391 was read the third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—

Mr. President.

Messrs.—

Baker,

Barber,

Blitch,

Broome,

Carson,

Nays—None.

Clark,

Denham,

Dimick,

Harris,

Hooker,

McCaskill

McCreary,

McLin,

Palmer of 11th,

Reeves,

Roberts,

Sams,

Williams—19.

So the bill passed, title as stated.

The Senate resumed consideration of bills on third reading.

Senate Bill No. 223:

A bill to be entitled an act to repeal Chapter 4506, Acts of A. D. 1895, Laws of Florida; and to confirm, amend and supplement the municipal corporation of the town of Green Cove Springs, Florida; and to give it certain powers and privileges.

Was called up from the table.

Mr. Barber asked permission to withdraw Senate Bill No. 223.

Which was granted.

Mr. Palmer of 11th moved that the rules be waived and House Bill No. 350 be taken up out of its regular order and considered.

Which was agreed to by a two-thirds vote.

And

House Bill No. 350:

To be entitled an act to establish the municipality of Dunedin, to provide for its government and prescribe its jurisdiction and powers;

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—	Clark,	McCreary,
Mr. President,	Crosby,	McLin,
Messrs—	Denham,	Palmer of 11th,
Baker,	Dimick,	Reeves,
Barber,	Harris,	Williams—17.
Blitch,	Hooker.	
Carson,	McCaskill	

Nays—None.

So the bill passed, title as stated.

House Bill No. 127:

A bill to be entitled an act regulating the marking, branding, buying and selling range, stock and beef cattle in the State of Florida, and prescribing a punishment for any violation thereof.

Was taken up and read the third time in full.

Pending the consideration of House Bill No. 127,

Mr. Crosby moved to adjourn.

Which was not agreed to.

The Senate resumed consideration of House Bill No. 127.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—	Carson,	Palmer of 11th,
Mr. President,	Harris,	Rogers,
Messrs—	Hooker,	Sams,
Blitch,	McLin,	Williams—10.
Nays—	Crosby,	McCreary,
Messrs.—	Denham,	Reeves,
Barber,	Dimick,	Roberts—13
Bynum,	Fuller,	
Chaires,	Hendley,	
Clark,	McCaskill	

So the bill failed to pass.

Mr. Reeves moved that the vote by which House Bill No. 127 failed to pass be reconsidered.

Mr. McCaskill moved to lay the motion to reconsider on the table.

Mr. Reeves moved that the rules be waived and the motion to reconsider be taken up and now considered.

Which was not agreed to.

The motion to reconsider went over under the rules.

By permission—

Mr. Dimick, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber.
Tallahassee, May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Joint Committee on Enrolled Bills, to whom was referred—

An act regulating the treatment of suspicious cases of contagious or infectious diseases, prescribing the duties of State, County and municipal authorities therein, and providing for necessary costs and expenses therefor.

Beg to report that the same has been correctly enrolled.

Very respectfully,

E. N. DIMICK,

Chairman of Committee.

The acts contained in the above report, were ordered referred to the Joint Committee on Enrolled Bills to be con-

veyed to the House of Representatives for the signature of the Speaker and Chief Clerk thereof.

By permission—

Mr. Dimick, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber.

Tallahassee, May 23, 1899.

Hon. Frank Adams,

President of the Senate: .

Sir—Your Joint Committee on Enrolled Bills, to whom was referred—

An act regulating the treatment of suspicious cases of contagious or infectious diseases, prescribing the duties of State, County and municipal authorities therein, and providing for necessary costs and expenses therefor.

Beg to report that the same has been presented to the House of Representatives for the signatures of the Speaker and Chief Clerk thereof.

Very respectfully,

E. N. DIMICK,

Chairman of Committee.

By permission—

Mr. Dimick, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Joint Committee on Enrolled Bills, to whom was referred—

An act regulating the treatment of suspicious cases of contagious or infectious diseases, prescribing the duties of State, County and municipal authorities therein, and providing for necessary costs and expenses therefor.

Beg leave to report that the same has been duly signed by the Speaker and Chief Clerk of the House of Representatives and is presented to the Senate for the signatures of the President and Secretary thereof.

Very Respectfully,

E. N. DIMICK,

Chairman of Committee.

• ENROLLED.

The President announced that he was about to sign—

An act regulating the treatment of suspicious cases of contagious or infectious diseases, prescribing the duties of State, County and municipal authorities therein and providing for necessary costs and expenses therefor.

The act was therefore duly signed by the President and Secretary of the Senate, and ordered returned to the Chairman of the Joint Committee on Enrolled Bills to convey to the Governor for his approval.

By permission—

Mr. Dimick, Chairman of the Joint Committee on Enrolled Bills, submitted the following report:

Senate Chamber.

Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Joint Committee on Enrolled Bills, to whom was referred—

An act regulating the treatment of suspicious cases of contagious or infectious diseases, prescribing the duties of State, County and municipal authorities therein and providing for necessary costs and expenses therefor.

Beget to report that the same has been presented to the government for his approval.

Very respectfully,

E. N. DIMICK,

Chairman of Committee.

Mr. Palmer of 11th moved that the Senate adjourn until 3:30 o'clock P. M.

Which was agreed to.

Thereupon the Senate adjourned until 3:30 o'clock P. M.

AFTERNOON SESSION.

3:30 o'clock.

Senate met pursuant to adjournment.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President,	Crill,	McLin,
Messrs.—	Crosby,	Myers,

Baker,	Denham,	O'Brien,
Barber,	Dimick,	Palmer of 11th,
Blitch,	Fuller,	Reeves,
Broome,	Harris,	Roberts,
Bynum,	Hendley,	Rogers,
Carson,	Hooker,	Sams,
Chaires,	McCaskill,	Wadsworth,
Clark,	McCreary,	William

Answering roll-call— 30.

A quorum present.

On motion the reading of the Journal of yesterday was dispensed with.

The Journal was corrected and approved.

By permission—

Mr. Bynum, Chairman of the Committee on City and County Organization, submitted the following report:

Senate Chamber,

Tallahassee, Fla., May 23, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—Your Committee on City and County Organization, to whom was referred—

House Bill No. 333:

To be entitled an act empowering the County Commissioners of Hernando County to contract for road work in the several districts.

Also,

House Bill No. 304.

To be entitled an act to legalize the incorporation of the town of Cocoa.

Have carefully considered the same and recommend their passage.

Very respectfully,

J. H. T. BYNUM,

Chairman of Committee.

And House Bills Nos. 333 and 304, contained in the above report, was placed on the Calendar of bills on second reading.

BILLS ON THIRD READING.

House Bill No. 228:

A bill to be entitled an act relating to the taking of depositions by commission and prescribe the compensation of commissioners.

Was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—	Crill,	Myers,
Messrs—	Denham,	Reeves,
Baker,	Dimick,	Roberts,
Blicht,	Fuller,	Sams,
Broome,	Harris,	Wadsworth,
Bynum,	Hooker,	Williams—20.
Chaires,	McCreary,	
Clark,	McLin,	

Nays—None.

So the bill passed, title as stated.

Mr. Barber was excused from voting.

House Bill No. 102:

To be entitled an act relating to expert witnesses, fixing their compensation, and prescribing a mode of paying the same, was taken up and read a third time in full.

Upon call of the roll on the passage of the bill,

The vote was:

Yeas—		
Mr. President,	Fuller,	Reeves,
Messrs—	Harris,	Roberts,
Chaires,	McLin,	Sams,
Crill,	Myers,	Wadsworth—13.
Denham,	Palmer of 11th,	
Nays—	Bynum,	McCaskill,
Messrs—	Clark,	McCreary,
Barber,	Crosby,	Roberts,
Blicht,	Dimick,	Williams—14.
Broome,	Hendley,	
	Hooker,	

So the bill failed to pass.

Mr. Bynum gave notice that he would to-morrow move to reconsider the vote by which House Bill No. 102 failed to pass.

House Bill No. 313:

To be entitled an act in relation to the granting of and set-

setting apart certain lands for the use and benefit of the Seminole Indians of Florida.

Was taken up and read a third time in full.

Mr. Palmer of the 11th asked unanimous consent to amend House Bill No. 313 on third reading.

Which was granted.

Mr. Palmer of the 11th offered the following amendment to House Bill No. 313:

Strike out all the "whereas."

Mr. Palmer of the 11th moved the adoption of the amendment.

Which was agreed to unanimously.

Upon call of the roll upon the passage of the bill, as amended, the vote was:

Yeas—	Crill,	McCreary,
Mr. President,	Crosby,	McLin,
Messrs—	Denham,	O'Brien,
Baker,	Dimick,	Palmer of 11th,
Barber,	Fuller,	Reeves,
Blitch,	Harris,	Roberts,
Bynum,	Hendley,	Rogers,
Chaires,	McCaskill	Sams,
		Williams—23.

Nays—

Messrs—

Hooker,

Wadsworth—2.

So the bill passed, title as stated.

A message was received from the Governor.

A message was received from the House of Representatives.

SPECIAL ORDER

Senate Bill No. 212:

A bill to be entitled an act to provide for certain inspections of rosin and turpentine, and for the appointment of inspectors therefor.

Was taken up at 4 o'clock p. m., being set for that hour, the following amendment of Mr. Hendley and his motion to adopt pending:

Strike out the words "ship or carry out of this State" in Section 1, line 1, after the word "to," printed bill, and insert in lieu thereof the following: "Buy or sell."

Pending the consideration of the amendment—

Mr. Sams moved that the Senate adjourn until 9 o'clock, a. m., to-morrow.

Which was not agreed to.

The Senate resumed consideration of the amendment.

The yeas and nays were demanded on the adoption of the amendment offered by Mr. Hendley.

Upon call of the roll on the adoption of the amendment,

The vote was:

Yeas—

Mr. President,	Clark,	Myers,
Messrs—	Crill,	Roberts,
Blich,	Denham,	Wadsworth,
Broome,	Hendley,	Williams—11.

Nays—Messrs—

Baker,	Dimick,	McLin,
Barber,	Fuller,	O'Brien,
Bynum,	Harris,	Palmer of 11th,
Carson,	Hooker,	Reeves,
Chaires,	McCaskill,	Rogers,
Crosby,	McCreary,	Sams—18.

The amendment of Mr. Hendley was not agreed to.

Pending consideration of Senate Bill No. 212—

Mr. Palmer of the 11th moved that further consideration of Senate Bill No. 212 be temporarily laid aside.

Which was agreed to.

Mr. Palmer of 11th moved that the rules be waived and that messages from the House of Representatives be taken up.

Which was agreed to by a two-thirds vote.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 24, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 339:

To be entitled an act to appropriate funds for Seminole Industrial School, providing for its management and appointing financial trustees.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And House Bill No. 339, contained in the above message, was read the first time by its title and referred to the Committee on Education.

The following message from the House of Representatives was read:

House of Representatives,
Tallahassee, Fla., May 24, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

Senate Joint Resolution No. 44:

A Joint Resolution proposing an amendment to Section 5, Article 8, of the Constitution of the State of Florida, relating to the election of County Commissioners.

With amendments thereto.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,
WM. FORSYTH BYNUM,

Chief Clerk House of Representatives.

And House amendments to Senate Joint Resolution No. 44 were read.

Mr. Palmer of the 11th moved that the Senate concur in the House amendments.

The yeas and nays were demanded on the motion.

The vote was:

Yeas—	Chaires,	McLin,
Mr. President,	Clark,	O'Brien,
Messrs—	Crill,	Palmer of 11th,
Baker,	Crosby,	Reeves,
Barber,	Fuller,	Roberts,
Blicht,	Hendley,	Sams,
Broome,	Hooker,	Williams—23.
Bynum,	McCaskill	
Carson,	McCreary,	

Nays—Mr. Denham, 1.

So the House amendment to Senate Joint Resolution No. 44, having received a majority of three-fifths of all the members elected to the Senate, was agreed to.

Mr. Myers was excused from voting.

And Senate Joint Resolution No. 44, as amended, was ordered referred to the Committee on Enrolled Bills.

The following communication from the Governor was ordered spread upon the Journal.

State of Florida, Executive Department,
Tallahassee, Fla., May 22, 1899.

Hon. Frank Adams,

President of the Senate:

Sir—I have the honor to inform the Senate that I have today signed the following bills which originated in the Senate, and have filed the same with the Secretary of State:

An act to extend the time for the commencement of the work of the Etoniah Canal and Drainage Company.

Also,

An act to protect log brands in this State,

Also,

An act to amend Sections (35) thirty-five and (40) forty, Revised Statutes of the State of Florida, relating to the boundary line between St. Johns and Volusia counties,

Also,

An act to prescribe the term of office of Commissioners of Deeds and to provide a time when commissions of Commissioners of Deeds heretofore appointed shall expire, and to declare valid the acts of Commissioners of Deeds when commissions are more than four years since issued.

Also,

An act to authorize the South Western Railroad Company to abandon its railroad, and to take up, remove and otherwise dispose of its rails and other property, and to revoke the unsatisfied land grant to the Green Cove Springs and Melrose Railroad Company of Florida.

Also,

An act regulating the treatment of suspicious cases of contagious or infectious diseases, prescribing the duties of State, County and Municipal authorities therein, and providing for necessary costs and expenses thereof.

Very respectfully,

W. D. BLOXHAM,

Governor.

Mr. Hendley moved that the Senate adjourn until 9 o'clock A. M. to-morrow.

Which was agreed to.

Thereupon the Senate adjourned until Thursday at 9 o'clock A. M.